APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,272	09/08/2003	Hiroyuki Takahashi	723-1425	7144

27562   7590   10/10/2007
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EXAMINER
WILLIAMS, ROSS A

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
10/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 July 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1 – 36 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 3, 5, 6, 9 – 18, 20, 21, 24 – 26, 28 – 31 and 34 are rejected under

35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 6,626,756) in view of

"Microsoft Golf 2001" written by Scott Steinberg on September 29, 2000

(hereinafter referred to as "Steinberg").

Claims 1, 2, 5, 6, 9, 10,12, 14 – 16, 17, 21, 24, 25, 29 – 31 and 34: Sugimoto

discloses a golf video game system that allows a player to play a golf video game

wherein the player must activate or press input switched on a game controller in order

to start a cursor moving on a shot graph. Sugimoto states "The player has to push the

push button switch PB8 of the controller as shown for example in FIG. 2(a), totally three times in order to make a shot. The first push operation corresponds to a starting operation of the shot, the second push operation corresponds to a power determination operation and the third push operation corresponds to a shot-timing determination operation. More specifically, the first push operation causes the cursor 28 to start moving in the leftward direction from the position of 0% at a constant velocity. The player watches the position of the cursor on the power gauge 25 and carries out the second push operation when the cursor reaches his desired position. In case where the player wishes to make a shot with the power of 80% for example, the second push operation is carried out when the cursor 28 reaches nearly the position of 80% on the power gauge 25. The movement power value of the shot is determined in this manner. After the completion of the second push operation, the cursor 28 reaches once the left-hand end of the power gauge 25 and then starts returning in the rightward direction (i.e., toward the position of 0%) as shown in FIG. 4 at a constant velocity. In this case, the cursor 28 moves beyond the position of 0% of the power gauge to the right-hand end thereof unless the player carries out the third push operation. The position of 0% of the power gauge 25 also shows an optimum timing for the shot (hereinafter also referred to as the "best timing point") as shown in FIG. 4. The player preferably carries out the third push operation when the cursor reaches the best timing point. In case where the third push operation is carried out when the cursor just reaches the best timing point, a ball is sent flying straight. In case where the third push operation is carried out after or before the cursor reaches the best timing point, a ball curves left or right to fly accordingly. Three push operations carried out by the player make a single shot in this manner"

(Sugimoto 9:46 – 10:14). Sugimoto does not explicitly discloses the use of a input received from the player activating a switch wherein the activation of the switch causes a second positioning determining mechanism to determine a first and second position on the golf game display gauge. However Steinberg discloses in a review of Microsoft Golf 2001 "For the initiate, an easy swing mode is proffered, allowing novices to set an aiming post on the player view or overhead map screen, then click and hold down the mouse button to have a meter determine the power of their swing. Intermediate players can opt for a classic two or three click method of handling, with the only difference from easy mode being the need to set the snap, which initiates straight shots, hooks, and slices. Whichever of the two standards systems you prefer to use, the computer picks the best club for the occasion, although it's no problem to change to a wood, iron or putter on the fly. Finally, for the pro, there's powerstroke mode, a tricky but so-called accurate simulation of an actual swing" Steinberg page 2 par 3). Thus, Steinberg discloses a gaming method in Microsoft Golf 2001 that reduces the amount of button inputs or activations of the button switches needed to causes the game to determine a golf hit by automatically determining the golf hit by the activation of an input button. The game itself uses a determining mechanism to determine the power and ultimately the position of the cursor on the gauge, thus randomly determining the strength and accuracy of the shot the player makes.

It would be obvious to one of ordinary skill in the art to modify Sugimoto in view of Steinberg to provide an easy swing mode wherein the player may press a reduced amount of buttons and have the game itself determine the power and accuracy of the shot the player is attempting to make. Thus making the game easier to play for a

novice game player. It would be obvious to further display this on the shot gauge to

inform the user of the current status of the shot while it is being determined by the

game.

Claim 3, 11, 18, 26: Sugimoto discloses that the possible range of the gauge

depends on the respective club or type of club selected to be used (Sugimoto 9:32 –

40).

Claim 5, 13, 20, 28: The combination of Sugimoto and Steinberg provide a auto

or easy swing mode wherein the player can choose to activate an input switch which

provides the game with a mode wherein the game will automatically and randomly

determine the shot distance and the accuracy of the shot as discussed above. The

combination fails to explicitly disclose that the second positioning mechanism

determines the second position according to a random number. However it would be

obvious to one of ordinary skill in the art to provide the automatic distance setting of

Microsoft Golf 2001 based upon a random number. Steinberg discloses that the game

meter itself determines the position of the cursor and thus the power of the shot. By

providing random determining means that depends upon a random number the game

would be varied and thus even though the player is using the easy-swing mode they

would not be certain of what type of shot the computer will make.

Claims 7, 8, 22 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sugimoto (US 6,626,756) in view of "Microsoft Golf 2001"

written by Scott Steinberg on September 29, 2000 (hereinafter referred to as

"Steinberg") and in view of Hot Shots Golf 2 game manual released Feb 29, 2000.

Claims 7, 8, 22 and 23: Sugimoto does not specifically disclose the use of input buttons to set the amount of spin that is applied to the golf ball to be hit. However, Hot Shots Golf 2 game manual discloses that a directional pad with at least four separate input switches wherein a player can choose to press to provide spin on the ball. The user can press "down" to put backspin on the ball and press "up" to put forward spin on the ball. The directional pad also allows the player to curve the ball to the left or right (Hot Shots Golf 2 manual page 7). It would be obvious to one of ordinary skill in the art to provide input buttons that allow the player to put spin on the ball is a plurality of directions. This would allow the golf game of Sugimoto to be closely modeled to imitate the actual game of golf thus enhancing the realism the player feels when playing the game.

Claims 32, 33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 6,626,756) in view of "Microsoft Golf 2001" written by Scott Steinberg on September 29, 2000 (hereinafter referred to as "Steinberg") and in view of Hot Shots Golf 2 game manual released Feb 29, 2000 in further view of Hot Shots Golf 2 Screenshots downloaded from www.ign.com.

Claims 32, 33, 35 and 36: Sugimoto does not specifically disclose a golf game wherein the tentative hit location of the ball is displayed on a circular shaped image or the determination of a final hit location that is modeled on a ball displayed on the display wherein the final hit location is displayed in accordance with the tentative hit location that was previously determined. However, Hot Shots Golf 2 screenshots (pages 1 and 2) teach the displaying of a circular shaped golf ball that has tentative locations that are of the shape of the directional pad. The user activates the direction pad to determine a

tentative hit location of the ball. After the ball is hit, a red cross appears on the ball to display to the user the final hit location of the ball (Hot Shots Golf 2 screenshots pages 1 and 2). The final hit location is also determined according to where the cursor is positioned on the area of the cursor gauge

It would be obvious to one of ordinary skill in the art to modify Sugimoto in view Steinberg in view of Hot Shots Golf 2 manual in view of Hot Shots Golf 2 screenshots to provide a game wherein the tentative hit location and the final hit location is displayed and modeled upon the ball. This would provide the player with more information so that they can better determine which hit or type of club they need to use in order to proceed with the hit of the golf ball. A display of the final hit location would be useful to the play since they would be able to see the correlation between the various circumstances of the shot they made and the result upon the ball.

Response to Arguments

Applicant's arguments filed 7/10/2007 have been fully considered but they are not persuasive.

The Applicant argues that Sugimoto in view of "Microsoft Golf 2001" written by Scott Steinberg fails to teach or disclose

(a) a particular type/mode of shot operation to be performed (e.g., a manual type shot operation or an auto shot type operation or some other type of shot operation mode) is determined by the second input performed by the player; and

(b) for the particular shot operation based on two inputs (auto shot mode), the

shot power is determined in accordance with the player's second input but the hit

location is determined autonomously (Remarks 7/10/2007 page 22).

Applicant further states *"Moreover, applicants contend that there is no objective*

teaching or disclosure anywhere in either the Sugimoto reference or the Steinberg

reference (or in any of the cited and applied prior art of record) of modifying the

Sugimoto game system or the Microsoft Golf 2001 game to provide a golf game

machine as currently set forth by applicants' claims. Likewise, applicants' respectfully

content that the Office Action fails to provide any reasonable objective basis that would

have motivated one of skill in the art to modify the Sugimoto or Steinberg references to

provide applicants' claimed implementation" (Remarks 7/10/2007 page 24).

The Examiner respectfully disagrees. Sugimoto discloses a conventional method

of playing a video golfing game that utilizes the well known "three-click" golf swing mode

wherein a player activates an input button to cause the cursor to begin moving on the

gauge, then activates a second input to causes the power of the swing to determined

upon the gauge, and then activates a third input to cause the timing of the swing to be

determined (i.e. accuracy or direction). As the Examiner previously noted Sugimoto

does not explicitly disclose the "use of a input received from the player activating a

switch wherein the activation of the switch causes a second positioning determining

mechanism to determine a first and second position on the golf game display gauge."

Sugimoto clearly only discloses one mode of operation of the golf swing (i.e. a manual

"three-click" golf swing). However "Microsoft Golf 2001" as described by Steinberg

discloses a golf game that incorporates at least two different modes of operation

wherein the modes of operation correspond to a manual swing mode (i.e. classic swing mode) and an automated swing mode that determines at least some of the swing parameters automatically such as power and accuracy. In "easy mode" the player activates the controller to cause the shot to proceed. Upon activating he controller the system automatically determines the remaining parts of the shot such as accuracy or power.

It would be obvious to in view of the easy mode of "Microsoft Golf 2001" to modify Sugimoto to provide a mechanism to enable the player to actively or dynamically determine certain aspects of the players shot automatically or semi-automatically, such as the power of the shot or accuracy of the shot. Thus it would be further obvious to provide a display mechanism such as a golf gauge and cursor that is displayed in an animated fashion to move in accordance with the automatic determination of the players shot parameters such as the automatic determination of the shot power.

It would be obvious to modify the disclosure of Sugimoto to provide a means to automate some or if not all of the inputs of the well-known manual "three-click" golf swing mechanism. Thus, if a player is a novice player and is not "good" at accurately selecting the correct inputs at the "best" timing of the swing, then a player could select an input to automatically determine the shot for them. It is also notoriously well known to use a game controller and its associated buttons to provide for different modes of game operation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ross A. Williams whose telephone number is (571) 272-

5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.
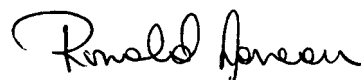
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RAW
9/30/07

RONALD LANEAU
PRIMARY EXAMINER

9\30\07